

(G.C.P.)J 455 (5,00,000)-11.2001)

Spl-H.C., A.S., C.D., 78e

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Civil Application No.2526 of 2004

In

Writ Petition No.St.39644 of 2001

Office Notes, Office Memoranda
of Coram, appearances, Court's
order or directions and
Registrar's order.

Court's or Judge's orders

Shri A.A.Siddiqui h/f Shri M.P.Vashi for the
applicant.
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CORAM: R.M.S.KHANDEPARKAR
&
NARESH H.PATIL, JJ

DATED: 23rd August, 2006.

P.C.

1. This is an application for setting aside the order dated 8th March, 2004 rejecting the petition. The petition was rejected on account of the failure on the part of the petitioner to remove office objections.

2. The application discloses that the petitioner is aged of 65 years and is a resident of Nashik, and therefore, he could not contact his advocate for a considerable period. The intimation regarding office

objections was given to the petitioner but due to personal difficulties, he could not remove the office objections within time. The application does not disclose as to what were those personal difficulties.

3. Undisputedly, the petitioner had engaged the advocate and the application nowhere discloses as to what had prevented the advocate from removing office objections. Once the party has engaged the advocate, it is primarily for the advocate to ensure that the office objections are removed within the specified time, and the explanation regarding failure thereof should be disclosed in the application for setting aside of the order of dismissal. As the application nowhere discloses any such explanation as regards the failure on the part of the advocate to remove office objections, nor about the efforts by the petitioner to get the objections removed, there is no case made out for recall of the order dated 8th March, 2004. Hence, the application is rejected.

(R.M.S.KHANDEPARKAR, J)

(NARESH H. PATIL, J)